TO: NOACA Board of Directors
FROM: Grace Gallucci, Executive Director
DATE: March 3, 2017
RE: Resolution 2017-011: Facility Planning Area (FPA) Revisions – Pheasant Run Subdivision in LaGrange Township, Lorain County

ACTION REQUESTED
The Board of Directors is asked to approve the proposed FPA modifications for the Pheasant Run Subdivision (Subdivision) in LaGrange Township, Lorain County. The FPA modifications will:

- Transfer 919 parcels encompassing 477 acres from the Lorain County & Lorain County Rural Wastewater District (LORCO) Joint FPA to the LaGrange FPA; and

- Change the prescriptions of the 919 parcels within the proposed transfer area in order to make sanitary sewer connections consistent with the Clean Water 2000 Plan (208 Plan).

The Water Quality Subcommittee and Planning and Programming Committee recommended this action.

BACKGROUND/JUSTIFICATION FOR CURRENT ACTION
The Subdivision in LaGrange Township is in the joint Lorain County – Lorain County Rural Wastewater District (LORCO) FPA (Attachment A). The entire Subdivision is served by a wastewater treatment plant (WWTP) owned by the Pheasant Run Association (Association). The WWTP is in noncompliance with the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water’s Individual Wastewater Discharge Permit levels for total suspended solids, phosphorus, ammonia, bacteria and biochemical oxygen demand. The Ohio Attorney General’s Office will likely impose an Enforcement Action against the Association for noncompliance with their discharge permit if the issue is not corrected in the near future.

The Association requested assistance from Lorain County, which funded a preliminary engineering report by K.E. McCartney and Associates, Inc. The report’s selected alternative was the construction of a new lift station to pump the Subdivision’s wastewater to the Village of LaGrange Water Pollution Control Plant (LaGrange WPCP). In July 2015, the Village and Lorain County entered into a sanitary sewer service agreement to pump the wastewater via a high pressure force main from the Subdivision to the LaGrange WPCP approximately 3.75 miles away. The LaGrange WPCP requires an expansion so it has sufficient capacity to treat the Subdivision’s wastewater.

Lorain County cannot receive needed Permits-to-Install (PTIs) for the construction of the pump station and force main until FPA modification is approved by the NOACA Board of Directors. Under the federal Clean Water Act, Ohio EPA cannot issue PTIs that are in conflict with the 208 Plan. In order for the project to be
consistent with the 208 Plan, the Subdivision must be within the LaGrange FPA and have prescriptions that allow for sanitary sewer connections to a publicly owned WWTP (Attachment B).

Consequently, the Lorain County Sanitary Engineer has requested a FPA boundary modification to transfer the Subdivision’s 919 parcels encompassing 477 acres from the joint Lorain County – LORCO FPA to the LaGrange FPA. The current prescription of “area to be served with on-site systems” within the transfer area does not allow for the connection of sanitary sewers to a publicly owned WWTP (Attachment C). Therefore, the request also includes change to the prescription to make existing and future sanitary sewer connections within the transfer area consistent with the 208 Plan (Attachment D).

**Technical and Environmental Review**

Under Policy 4-6b of the 208 Plan, an alternative sewering plan must be technically achievable and protect the environment. The Village of LaGrange has submitted information to the Ohio Environmental Protection Agency (Ohio EPA) to increase the WPCP capacity in order to accept the wastewater from the Subdivision. The LaGrange WPCP must maintain its current monthly average phosphorus load of 1.37 kilograms per day. Ohio EPA has determined the WPCP expansion is technically achievable as standard wastewater treatment technologies are capable of meeting the proposed effluent limits.

Under Ohio’s Antidegradation Rule, the proposed increased discharge from the LaGrange WPCP also requires a review to determine if the upgrades are protective of the environment. The Antidegradation Rule included a 30-day public comment period. Ohio EPA’s Public Notice of the LaGrange WPCP Antidegradation public comment period was published in the Chronicle Telegram on October 29 and the comment period will ended on December 7. Two comments received by Ohio EPA regarded flooding along Kellner Ditch, the receiving stream of the LaGrange WPCP. Another comment requested that Ohio EPA consider as a treatment alternative the connection of the Pheasant Run subdivision to existing LORCO sewer lines in Carlisle Township. The Ohio EPA has determined a public hearing is not needed based on the comments received.

**Affected Jurisdictions Notification and Responses**

Lorain County completed the notification requirements under Policy 4-6 of the 208 Plan. The FPA modification request is supported by the Village of LaGrange. The LaGrange Township Trustees submitted a comment letter with concerns on flooding downstream of the LaGrange WPCP, sewer connections outside of the Pheasant Run Subdivision and communication between the township, Lorain County and the Village of LaGrange. Lorain County prepared a response letter regarding the Township’s concerns and held a meeting on August 29 with LaGrange Township and NOACA to further discuss the FPA modification request. The Township Trustees were going to review their position on the FPA modification request and potentially submit a new or revised comment letter to NOACA. To date, NOACA has not received a new comment letter from the Township.

LORCO is opposed to Lorain County’s FPA amendment request for the Subdivision (attached). In 2013, a feasibility study was completed for LORCO by Arcadis that indicates the current Pheasant Run WWTP could be converted to a pump station and the wastewater pumped via a force main to LORCO’s sewer lines at the intersection of Indian Hollow Road and Parsons Road in Carlisle Township, approximately eight miles away. This option could provide sewer service to the Subdivision and an estimated 100 homes along the proposed force main route, according to LORCO’s letter. LORCO’s proposal was considered by the Association, but not selected.

Lorain County responded to LORCO’s opposition to the FPA modification in a letter that contends that LORCO underestimated LORCO’s capital costs to be paid by the Subdivision’s residents, while misrepresenting Lorain County’s capital costs (also to be paid by the Subdivision’s residents). Lorain County’s response letter also states that under the dual Designated Management Agency (DMA) agreement signed between LORCO and Lorain County, LORCO is bound by this contract to
withdraw from the subdivision area because Lorain County has a sewering plan which includes significantly more efficient and affordable rates.

As stipulated in Policy 4-6b of the Clean Water 2000 Plan, when consensus cannot be reached for a proposed FPA boundary modification, the NOACA Water Quality Subcommittee will hear all viewpoints and render a recommendation for action to the Planning and Programming Committee and Board of Directors. Hearing all viewpoints, both the Water Quality Subcommittee and Planning and Programming Committee members recommended placement of the requested FPA modifications on the Board of Directors’ March 2017 agenda.

In summary, the Subdivision’s wastewater is being treated at a private WWTP with significant compliance issues and imminent threat of an Enforcement Action from the Ohio Attorney General. The WWTP owners, the Association, solicited proposals from both LORCO and Lorain County joint DMAs for the area under an agreement signed by both entities and approved by the NOACA Board of Directors (Resolution No. 2001-018) and Ohio EPA. The Association selected Lorain County’s proposal to pump the wastewater to the upgraded LaGrange WPCP. Lorain County signed a service agreement with the Village of LaGrange to accept the Subdivision wastewater once the LaGrange WPCP is expanded. The Village of LaGrange proposed plant expansion has undergone a technical review by Ohio EPA and has found the proposed WPCP upgrade to be technically achievable. The LaGrange WPCP upgrade has completed the Antidegradation Rule’s public comment period. Comments Ohio EPA has received focused on flooding impacts to Kellner Ditch, the receiving stream of the WPCP’s effluent, and for Ohio EPA to consider LORCO’s proposal as a treatment option. Based on the comments received, Ohio EPA has determined a public hearing is not warranted. Lorain County cannot receive PTIs from Ohio EPA to proceed with construction on the pump station and force main until the FPA is modified and the project is consistent with the 208 Plan, as required by the federal Clean Water Act.

FINANCIAL IMPACT
NOACA’s approval of the boundary change will not result in any financial impact to NOACA.

CONCLUSION/NEXT STEPS
Pending Board approval, NOACA staff will submit the updated FPA boundaries and prescriptions to Ohio EPA.

GG/ea/2936b
RESOLUTION OF THE BOARD OF DIRECTORS
OF THE
NORTHEAST OHIO AREAWIDE COORDINATING AGENCY

WHEREAS, the Northeast Ohio Areawide Coordinating Agency (NOACA) is the Metropolitan Planning Organization (MPO) for the counties of Cuyahoga, Geauga, Lake, Lorain, and Medina, and the City of Cleveland; and the areawide water quality management agency for the same region; and

WHEREAS, Clean Water 2000, the current update to the NOACA Section 208 Water Quality Management Plan, was adopted by the NOACA Board of Directors, certified by the Governor of Ohio, and approved by the United States Environmental Protection Agency; and

WHEREAS, Clean Water 2000 provides for modifications to wastewater treatment facility planning area (FPA) boundaries, subject to review by the NOACA staff, the NOACA Water Quality Subcommittee, and the NOACA Planning and Programming Committee; and

WHEREAS, Lorain County proposes a modification of the FPA boundary between the Lorain County – Lorain County Rural Wastewater District (LORCO) Joint Facility Planning Area (FPA) and the LaGrange FPA in order to abandoned a failing private wastewater treatment plant currently serving the Pheasant Run Subdivision in LaGrange Township and treat the wastewater at the LaGrange Water Pollution Control Plant; and

WHEREAS, the FPA boundary change transfers 919 parcels covering 477 of acres from the Lorain County – LORCO Joint FPA to the LaGrange FPA; and change the prescriptions for wastewater treatment in the proposed transfer area to make sewer connections consistent with Clean Water 2000; and

WHEREAS, the NOACA Water Quality Subcommittee and the Planning and Programming Committee, hearing all viewpoints from the affected jurisdictions, recommended that the Board of Directors approve the FPA boundary and prescriptions for wastewater treatment changes.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Northeast Ohio Areawide Coordinating Agency, consisting of forty-five principal officials serving general purpose local governments throughout and within the counties of Cuyahoga, Geauga, Lake, Lorain, and Medina that:

Section 1. The Clean Water 2000 Plan’s FPA Boundary Map is amended to reflect the transfer of 919 parcels totaling 477 acres shown in Attachment B.

Section 2. The Clean Water 2000 Plan’s Prescriptions for Wastewater Treatment Map is amended for the transfer area as shown in Attachment D.

Section 3. The Executive Director is authorized to submit the new boundaries to Ohio EPA for certification by the Governor.

Section 4. The Executive Director is authorized to transmit certified copies of this resolution to appropriate federal, state, and local agencies.

Certified to be a true copy of a Resolution of the Board of Directors of the Northeast Ohio Areawide Coordinating Agency adopted this 10th day of March 2017.

Secretary: [Signature]

Date Signed: 3-10-2017
ATTACHMENT A: PROPOSED FPA BOUNDARY FOR THE PHEASANT RUN SUBDIVISION TRANSFER AREA IN LAGRANGE TOWNSHIP, LORAIN COUNTY.

Data Sources:
Lorain County Sanitary Engineer
Lorain County Auditor
NOACA

NOACA makes no representations or warranties with respect to the accuracy and/or completeness of the map.

Current Facility Planning Area (FPA) Boundary
Jurisdiction Boundary
Parcels
Proposed Transfer Area to the LaGrange FPA
Wastewater Treatment Plants
ATTACHMENT B: PROPOSED FPA BOUNDARY FOR THE PHEASANT RUN SUBDIVISION IN LAGRANGE TOWNSHIP, LORAIN COUNTY.
ATTACHMENT C: CURRENT PRESCRIPTIONS FOR WASTEWATER TREATMENT FOR THE PHEASANT RUN SUBDIVISION IN LAGRANGE TOWNSHIP, LORAIN COUNTY.

Current Prescriptions for Wastewater Treatment

- **Currently Sewered**
- **Sewers Expected Within 20 Years**
- **Limited Sewers Likely Within 20 Years**
- **Area Served by On-Site Systems**

NOACA makes no representations or warranties with respect to the accuracy and/or completeness of the map.

Data Sources:
- Lorain County Sanitary Engineer
- Lorain County Auditor
- NOACA
ATTACHMENT D: PROPOSED PRESCRIPTIONS FOR WASTEWATER TREATMENT FOR THE PHEASANT RUN SUBDIVISION IN LAGRANGE TOWNSHIP, LORAIN COUNTY.

Proposed Prescriptions for Wastewater Treatment

- Currently Sewered
- Sewers Expected Within 20 Years
- Limited Sewers Likely Within 20 Years
- Area Served by On-Site Systems

Data Sources:
- Lorain County Sanitary Engineer
- Lorain County Auditor
- NOACA

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Lorain County & LORCO FPA

LaGrange Township

LaGrange FPA

Penfield Township

Lorain County FPA

Proposed Transfer Area

0 1,000 2,000 Feet